

at the same court and at the same time. That is the meaning and effect of my amendment.

Mr. DAWSON. I understand the senator from New Hampshire [Mr. Hale] to speak of officers appointed by the government as receiving this double pay. What officers have been so appointed?

Mr. BADGER. It is very obvious that in order to avoid the difficulty suggested by the senator from Virginia, [Mr. Hunter], it is necessary that this amendment should be amended. It is in accordance with the spirit of the United States, who is in attendance upon any court of the United States, shall receive, &c. I move to amend by inserting after the words "any court of the United States" the words "in the discharge of the duties of his office," so that it will read, "provided that no officer of the United States, who is in attendance upon any court of the United States, in the discharge of the duties of his office, shall receive any pay or compensation for his attendance as witness on behalf of the government at the same time that he receives compensation as such officer."

Mr. HALE. I accept the amendment to my amendment.

Mr. DAWSON. I should like to know if any officer of the government ever charged the government for his pay as witness.

Mr. HALE. The senator from Georgia [Mr. Dawson] asks me if any such cases have occurred. I will tell him that, though I have not the cases by me, yet there is a letter from the Secretary of the Interior which tells me that they do occur, and that, too, to a considerable extent.

Mr. DAWSON. Were they paid?

Mr. HALE. Yes, sir, they have been paid.

The question being then taken upon the proviso offered by Mr. HALE, it was adopted.

LABORER ON THE CAPITAL.

Mr. BRODHEAD. I have an amendment upon the subject of paying the laborers upon the Capitol, which I submit to you. It is in accordance with an estimate furnished, I understand, by the architect of the extension of the Capitol.

Mr. HUNTER. Does any estimate from the architect come in under the rule?

Mr. BRODHEAD. The architect, Mr. MANGUM, in the chair. The chair is of opinion that it does not.

Mr. HUNTER. I had supposed that it required an estimate from the head of a department.

Mr. BRODHEAD. Let the amendment be read. The senator from New Hampshire [Mr. Hale] can tell where the estimate came from.

Mr. HALE. I dislike to state it, because the senator from Pennsylvania [Mr. Brodhead] appealed to me once before, and I have lost the estimate that was sent to me. I thought, that the vote of the Senate, when this matter was up before, was decisive, that they had no money to pay to workmen, that I tore the papers up and gave up in despair. Such is the fact of the case. The architect put in his hands a resolution and a statement of facts to sustain it. But I thought the subject was dead, and did not pursue the matter.

Mr. BRODHEAD. I ask that the amendment be read. I presume it can be received by unanimous consent.

Mr. BADGER. Certainly it can.

Mr. BRODHEAD. It is but an act of justice and equity to these men, who have been kept here all winter unemployed.

And be it further enacted, That the architect appointed by the President of the United States to superintend the work of the construction of the additions to the Capitol, be and he is, authorized to examine the claims of the workmen to justify the suspension of the work upon such additions, for the want of an appropriation; and that the said architect allow to and workmen, respectively, within the limits of the money appropriated by the Senate, such sums as may be necessary to pay to workmen, that I tore the papers up and gave up in despair. Such is the fact of the case. The architect put in his hands a resolution and a statement of facts to sustain it. But I thought the subject was dead, and did not pursue the matter.

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this is exactly similar to the case of Lieutenant Davis, who was deemed a private claimant. His claim was to have his salary raised from \$1,500 to \$3,000 per year, and it was received as an amendment to this bill, and adopted by a vote of the Senate. And even if the decision of the Chair is that it is a private claim, there can be no difference in the two cases, except that one of the claimants is a stone-mason and the other is an almanac-maker. It seems to me that the rule ought to be applied individually and not generally. I should be glad if the opinion of the Chair could be sustained, because it will cut off the almanac-maker, who, I think, ought to be cut off; but still, I think the rule ought to be applied to both alike.

Mr. BADGER. I conceive that there is quite a difference between the two cases. One case is for damages, and the other is respecting the salary of a highly respectable and meritorious officer. The two cases have no resemblance at all. The amendment to which the senator [Mr. Hale] refers was a private claim which offered, and which was adopted by the Senate, upon an amendment proposed by the senator from New Hampshire, [Mr. Hale]. That amendment was to continue, under this law, to an officer of the government a compensation which he had heretofore received. That was the whole of it. A proposition to increase the salary of an officer of the government is not a proposition to act upon a private claim at all. It was for the payment of the salary and compensation of a public officer; that is what it was. Now, this case is an amendment to provide for a certain class of officers, who are in entirely private. These persons are not officers of the government; they have a certain claim upon the equity of the government, for which I am ready at any time to vote, but I do not wish to embarrass this deficiency bill with it. I think the decision of the Chair is perfectly correct.

On motion, the Senate adjourned.

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